

COMMUNICATIONS ACT AMENDMENTS IMPLEMENTING SAFETY OF LIFE AT SEA CONVENTION

JULY 19, 1954.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. PELLY, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

[To accompany S. 2453]

The Committee on Interstate and Foreign Commerce to whom was referred the bill (S. 2453) to amend the Communications Act of 1934, as amended, with respect to implementing the International Convention for the Safety of Life at Sea relating to radio operators on board ship, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

GENERAL STATEMENT

This legislation is designed primarily to bring the provisions of the Communications Act of 1934, as amended, in line with those radio provisions embodied in the regulations annexed to the Safety at Sea Convention (London, 1948) which was ratified by the Senate on April 20, 1949, and came into force on November 19, 1952. This legislation has been introduced at the request of the Federal Communications Commission, and the Commission has agreed to the changes which were made in the bill as originally drafted.

The bill would further promote safety of life and property at sea by continuing to require radio installations, radio direction finders, and qualified radio operators on vessels presently covered by part II of title III of the Communications Act and would extend the applicability of that part of the act to certain additional classes of oceangoing vessels and to certain additional lifeboat radio installations. Moreover, the present administrative provisions of the act applicable to the issuance of Safety Convention certificates to ships would be amended so as to permit the Federal Communications Commission in

lieu of the Commandant of the Coast Guard to issue certain classes of certificates concerning radio matters exclusively.

Over the years, in order to increase safety at sea, various steps have been taken with respect to legislation and treaties having to do with compulsory equipping of United States ships with radio. The first domestic merchant marine legislation along this line was passed in 1910 and amended in 1912. Generally speaking, it required certain steamers carrying 50 or more persons and plying between ports over 200 miles apart to carry radio apparatus and radio operators. In 1929, an International Safety of Life at Sea Conference was held in London at which time a compulsory ship radio formula was developed covering certain classes of ships engaged on international voyages, i. e., all passenger ships of any size and all cargo ships of 1,600 gross tons and over. Essentially that convention imposed upon such vessels five fundamental radio requirements concerning (1) radio-telegraph transmitters, (2) radiotelegraph receivers, (3) radio operators and watchers, (4) radio listening watches, and (5) automatic distress alarms. Additionally, radio direction finders were required on the larger passenger vessels and general requirements were set up for radio installations provided in motor lifeboats. The convention was ratified by the United States in 1936, and in 1937 the Congress amended the Communications Act (mainly the addition of pt. II to title III) so as to implement the provisions of the convention. This amendment also went beyond the radio provisions of the convention by applying higher technical radio standards to United States vessels and to foreign ships of nonconvention countries when departing from ports of the United States for a voyage in the open sea, regardless of whether such voyage was international or not. In consequence, the new legislation covered vessels on coastwise domestic voyages as well as those engaged on international voyages.

The objective of the legislation at that time was to bring our national marine radio safety requirements to standards no less than those provided by the 1929 Safety Convention and to put the entire ocean-going American merchant marine (except cargo ships of less than 1,600 gross tons) on an equal basis with regard to radio equipment, radio operators, and listening watches. The next change in the field of marine radio safety came when the International Safety of Life at Sea Conference was held in London in 1948. This conference was similar to the one held in 1929 and resulted in the adoption of the 1948 International Safety of Life at Sea Convention. This convention was agreed to by the United States, ratified by the Senate, proclaimed by the President on September 15, 1952, and became effective November 19, 1952.

The amendments contained in this bill (S. 2453) are similarly designed to raise ship radio safety requirements for United States ships on domestic ocean voyages and for foreign nonconvention ships departing from United States ports by bringing them in line with those now specifically internationalized by the 1948 Safety of Life at Sea Convention. The principal effect of the legislation would be to insure that vessels engaged in domestic ocean voyages would comply with safety radio requirements no less effective than those applicable to ships engaged in international voyages.

PURPOSE OF THE BILL

The primary objective of the bill is to further promote safety of life and property at sea by extending the latest and more comprehensive international requirements (Safety Convention, London, 1948) for shipboard radio installations, qualified operators, and radio direction finders to oceangoing vessels sailing from United States ports, which at present are exempt from these requirements solely because they do not engage in international voyages or because they belong to a foreign country which is not a party to the Safety Convention.

The new international radio requirements are more comprehensive under the 1948 Safety Convention as compared to the superseded 1929 convention in that they apply additionally to cargo ships from 500 to 1,600 gross tons and make compulsory the provision of radio direction finders additionally on passenger ships below 5,000 gross tons down to 1,600 gross tons and on all cargo ships of 1,600 gross tons and above. With respect to the prescribed radio installation for cargo vessels from 500 to 1,600 gross tons, the ship may elect to provide either a radiotelegraph or a radiotelephone installation which complies with the designated technical conditions.

Although the bill contains certain provisions relative to shipboard radio operators, it would not increase the number of qualified operators over the number required under the formula established by the amendment to the Communications Act in 1937. It would provide, however, that any qualified operator carried aboard a radiotelephone-equipped cargo vessel (500 to 1,600 gross tons) may be a member of the crew holding only a certificate for radiotelephony.

Your committee is of the opinion that the enactment of S. 2453 is another major step forward in the evolution of legislation promoting safety of life and property through the use of wire and radio communications. It believes that the legislation would be of great value to the general public required to use vessels for one reason or another.

EXPLANATION OF THE BILL BY SECTIONS

Section 1

This section proposes revisions of the existing sections 351, 352, and 353 which deal generally with radio installations, radio operators, radio watches, and auto alarms aboard vessels. Specifically the provisions are as follows:

Subsection (a) (1).—This subsection modifies section 351 (a) (1) of the act so as to provide that it shall be unlawful for any United States-flag vessel, except a cargo vessel of less than 500 gross tons (instead of less than 1,600 gross tons as now provided) to be navigated in the open sea outside a harbor or port, or for any United States-flag or foreign-flag vessel, except a cargo vessel of less than 500 gross tons (instead of less than 1,600 gross tons as now provided), to leave any United States port for a voyage in the open sea, unless such vessel is equipped with an efficient radio installation in charge of and operated by a qualified operator or operators. The proviso is added in this subsection so that the Federal Communications Commission may defer application of this subsection until not later than January 1, 1955, with respect to cargo vessels of between 500 to 1,600 gross tons which are not subject to the radio requirements of the Safety of Life

at Sea Convention, 1948, when it is found impracticable to obtain or install equipment necessary for compliance therewith.

The change in paragraph (1) of section 351 (a) of the act is designed to carry out the requirement contained in regulation 4, "Radiotelephone installation" of chapter IV, "Radiotelegraphy and radiotelephony," of the 1948 convention. Regulation 4 reads as follows:

Cargo ships of 500 tons gross tonnage and upward but less than 1,600 tons gross tonnage, unless fitted with a radiotelegraph installation complying with the provisions of regulations 9 and 10, shall, provided they are not exempted under regulation 6, be fitted with a radiotelephone installation complying with the provisions of regulation 15.

Regulation 6 provides that any signatory nation may, "if it considers that the route and conditions of the voyage are such as to render a radiotelephone installation unreasonable or unnecessary," exempt vessels belonging to it from the requirements of regulation 4. It should be noted that the amendment to section 351 (a) (1) would also apply to cargo ships not subject to the 1948 convention.

Subsection (a) (2).—This subsection amends section 351 (a) (2) of the act so as to provide that it shall be unlawful for any United States-flag vessel of 1,600 gross tons or over (instead of any passenger vessel only of 5,000 gross tons or over as now provided), to be navigated outside a port in the open sea, or for any such United States-flag or foreign-flag vessel to depart from a United States port for a voyage in the open sea, unless such a vessel is equipped with an efficient radio direction finder, approved by the Federal Communications Commission. A proviso is added to this subsection authorizing the Federal Communications Commission to defer application of the radio direction finder requirement with respect to vessels between 1,600 and 5,000 gross tons until not later than November 19, 1954, "if it is found impracticable to obtain or install such direction finding apparatus."

The change in paragraph (2) of section 351 (a) of the act is designed to implement regulation 12, "Direction-finding apparatus," of chapter V, "Safety of navigation," of the 1948 convention. Subsection (a) of regulation 12 reads as follows:

(a) All ships of 1,600 tons gross tonnage and upward, when engaged on international voyages, shall be fitted with direction-finding apparatus complying with the provisions of regulation 12 of chapter IV, but the provision of such apparatus on ships between 1,600 and 5,000 tons gross tonnage may be deferred for a period of 2 years from the date on which the present convention comes into force if in the opinion of the Administration this is necessary.

Subsection (b).—Subsection (b) amends section 352 (a) (3) of the act so as to provide that the exception of certain vessels from the application of title III, part II, of the act shall extend to a foreign vessel belonging to a country "which is a party to any safety convention in force between the United States and that country" (instead of simply "which is a party to the safety convention" as now provided), which vessel (1) carries a valid certificate exempting such vessel from the radio provisions of the convention, or (2) conforms to the radio requirements of such convention and has on board a certificate to that effect, or (3) is not subject to the radio provisions of any such convention.

The minor changes in paragraph 3 of section 352 (c) other than the addition of item (3) are for the purpose of clarification under the circumstances where more than one safety convention may be in force as existed during the period November 19, 1952, to November

19, 1953, when, prior to denunciation of the 1929 convention by the United States, both the 1929 and 1948 Safety Conventions were in force.

There are several classes of vessels listed below which are excepted by regulation 3 of chapter I of the 1948 Safety Convention from complying with Convention regulations. With respect to foreign vessels, these classes of vessels are not excepted under present section 352 (a) of the act unless such foreign ships carry Convention certificates. These classes of ships are:

(a) Ships not propelled by mechanical means (with respect to vessels within this class, the Communications Act at present excepts vessels in tow but does not except sailing ships).

(b) Wooden ships of primitive build.

(c) Pleasure yachts not engaged in trade. (The Communications Act at present excepts only yachts which are of less than 600 gross tons.)

(d) Fishing vessels.

Vessels excepted under the Convention are not required to carry Convention certificates, and, therefore, such ships would not be excepted from compliance with title III, part II, of the act by existing section 352 (b). The application of the compulsory radio requirements of title III, part II, of the act to foreign vessels which have been excepted from the radio requirements under the Convention would be contrary to the apparent intent of the 1948 Safety Convention. The purpose of the amendment is to eliminate this apparent conflict between title III, part II, of the act and the Convention.

Subsection (c).—Subsection (c) amends section 352 by adding a new subsection (c) which permits the Federal Communications Commission to give consideration to requests for exemptions from the provisions of part II of title III despite the normal mileage limitations of section 352 (b) in cases where unexpected equipment failures might impose inequitable hardships.

Subsection (d).—Subsection (d) amends section 353 of the act so as to make clear that section 353 applies only to ships equipped with a radiotelegraph installation, and not those fitted with a radiotelephone installation.

Section 2

Subsection (a).—This subsection redesignated sections 354, 355, 356, 357, 358, 359, 360, 361, and 362 thereof as sections 355, 357, 358, 359, 360, 361, 362, 363, and 364 thereof, respectively.

Subsection (b).—Subsection (b) proposes a new subsection 354 (a) to the act which sets forth the requirements with regard to radio operators for ships equipped with radiotelephone installations.

Subsection (b) also proposes a new subsection 354 (b) to the act which sets forth listening watch requirements for ships equipped with radiotelephone installations.

Subsection (c).—Subsection (c) amends the redesignated subsection 355 (a) (existing subsection 354 (a)) so as to provide that the radio installation shall comprise a main and an emergency or "reserve radiotelegraph installation," instead of simply a main and an emergency or "reserve installation," as now stipulated; except that in the case of an existing installation on a cargo ship and a new installation on a cargo ship between 500 and 1,600 gross tons if the main installation complies with all requirements of an emergency or reserve instal-

lation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must be provided.

This amendment would extend the provisions of the existing section 354 (a) to cargo vessels of 500 to 1,600 gross tons and require the installation of a separate emergency receiver.

The proposed amendment is designed to implement the following provisions of regulation 10, "Radiotelegraph installation," of chapter IV of the Safety of Life at Sea Convention, 1948:

(a) Except as otherwise expressly provided in this regulation—

(i) The radiotelegraph installation shall comprise a main installation and an emergency (reserve) installation, electrically separate and electrically independent of each other.

(iv) The emergency (reserve) installation shall include an emergency transmitter, emergency receiver, and emergency source of energy.

(c) In the case of—

(i) existing installations on cargo ships, and

(ii) new installations on cargo ships of 500 tons gross tonnage and upward but less than 1,600 tons gross tonnage.

if the main transmitter and main source of energy comply with all the requirements for the emergency transmitter and the emergency source of energy, the latter are not obligatory.

Subsection (d).—Subsection (d) proposes a new section 356 to the act with subsections (a), (b), (c), and (d) to follow the redesignated section 355. This new subsection would permit cargo ships under 1,600 gross tons, in lieu of a radiotelegraph installation, to carry a radiotelephone installation meeting certain requirements. This provision is designed to implement regulation 4 of chapter IV of the 1948 Convention.

Section 356.—Section 356, when supplemented by the Commission's rulemaking authority, is designed to carry out the following requirements set forth in regulation 15, "Radiotelephone installations," of chapter IV of the 1948 Convention:

(a) The ship's radiotelephone station shall be in the upper part of the ship and, unless situated on the bridge, there shall be efficient communication with the bridge.

(b) The installation shall be capable of transmitting and receiving radiotelephony on the radiotelephone distress frequency and on at least one other frequency available for maritime radiotelephone stations in the medium frequency band under the radio regulations. In normal operation the depth of modulation shall be at least 70 percent at peak intensity.

(c) The transmitter shall have a minimum normal range of 150 miles, i. e., it shall be capable of transmitting clearly perceptible signals from ship to ship by day and under normal conditions and circumstances over this range. (Clearly perceptible signals will normally be received if the r. m. s. value of the field strength produced at the receiver by the unmodulated carrier is at least 25 microvolts per meter.)¹

(d) The receiver shall have sufficient sensitivity to receive an incoming signal as low as 50 microvolts by means of a loudspeaker.

(e) While the ship is at sea, there shall be available at all times a source of energy sufficient to operate the installation over the normal range required by paragraph (c) of this regulation. If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least 6 hours continuously under normal working conditions. In new installations an emergency source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated.

(f) While at sea the batteries (if provided) shall be kept charged so as to meet the requirement of paragraph (e) of this regulation.

¹ In the absence of field strength measurements it may be assumed that this range will be obtained by power in the aerial of 15 watts (unmodulated carrier) with an aerial efficiency of 27 percent.

Subsection (e).—Subsection (e) amends the redesignated section 357 of the act (existing sec. 355) so as to provide that every vessel required to be equipped with a lifeboat radio by treaty, law, or regulation made in conformity with a treaty, convention, or law shall be fitted with an efficient radio equipment, appropriate to such requirement. The term "radio equipment" would include portable as well as nonportable apparatus. The present section 355 now provides that motor lifeboats required by treaty or convention or law or implementing regulation to be equipped with radio shall be fitted with a radio installation.

These proposed amendments to section 357 (now sec. 355) are for the purpose of carrying out the provisions of regulation 13, "Lifeboat portable radio apparatus," and regulation 25, "Radio apparatus and searchlights in motor lifeboats," of chapter III, "Lifesaving appliances, etc.," of the 1948 convention. Regulation 13 reads as follows:

(a) Ships carrying less than 20 lifeboats shall be provided with an approved portable radiotelegraph apparatus complying with the requirements set out in regulation 14 of chapter IV. All this equipment shall be kept together in the chart room or other suitable place ready to be moved to one or other of the lifeboats in the event of an emergency.

(b) In the case of ships engaged on voyages of such duration that, in the opinion of the Administration, lifeboat portable radio apparatus is unnecessary, the Administration may allow such equipment to be dispensed with.

Regulation 25 (a) and (b) reads as follows:

(a) Every motor lifeboat of class A, required to be carried in compliance with paragraphs (a) and (b) of regulation 8, must be fitted with a radiotelegraph installation complying with the requirements set out in this regulation and in regulation 13 of chapter IV, and also with a searchlight complying with paragraph (f) of this regulation.

(b) The radio installation shall be installed in a cabin large enough to accommodate both the equipment and the person using it.

This proposed amendment is intended to provide for the same pattern of responsibility between the Commission and Coast Guard with respect to both motor lifeboat and portable lifeboat radio equipment as is now provided by section 355 with respect to motor lifeboat radio equipment only.

Subsection (f).—Section 359 (b) (redesignated sec. 361 (b) by S. 2453) would be amended to provide that (1) certificates of compliance with the convention shall be issued "upon request to any vessel" subject to the convention, and (2) safety radiotelegraph certificates, and safety radiotelephony certificates, and exemption certificates concerning radio matters covered by the radiotelegraphy and radiotelephony certificates, shall be issued by the Federal Communications Commission, and all other certificates concerning radio particulars contemplated by the convention shall be issued by the Commandant of the Coast Guard, or whatever other agency is authorized by law so to do, upon request of the Federal Communications Commission. Should the holder of a certificate violate the radio provisions of the Safety Convention or the Communications Act of 1934, as amended, or Federal Communications Commission regulations, the Commission after hearing pursuant to law, would be authorized to modify or cancel a certificate issued by it, or, as now provided, request modification or cancellation of a certificate issued by the Coast Guard or some other agency upon request of the Federal Communications Commission, and the Coast Guard or such other agency is required to modify or cancel such certificate.

The proposed changes are intended to implement the provisions of regulation 11, "Issue of certificates," and regulation 12, "Issue of certificate by another government," of chapter I, "General provisions," of the 1948 convention. Regulation 11 reads as follows:

(a) (i) A certificate called a safety certificate shall be issued after inspection and survey to a passenger ship which complies in an efficient manner with the requirements of chapters II, III, and IV and any other relevant requirements of the present regulations.

(ii) A certificate called a safety equipment certificate shall be issued after inspection to a cargo ship which complies in an efficient manner with the relevant requirements of chapters II and III and any other relevant requirements of the present regulations.

(iii) A certificate called a safety radiotelegraphy certificate shall be issued after inspection to a cargo ship, fitted with a radiotelegraph installation, which complies in an efficient manner with the requirements of chapter IV and any other relevant requirements of the present regulations.

(iv) A certificate called a safety radiotelephony certificate shall be issued after inspection to a cargo ship, fitted with a radiotelephone installation, which complies in an efficient manner with the requirements of chapter IV and any other relevant requirements of the present regulations.

(v) A certificate called an exemption certificate shall be issued to every ship to which exemption is granted by a contracting government under and in accordance with any of the provisions of the present regulations.

(vi) Safety certificates, safety equipment certificates, safety radiotelegraphy certificates, safety radiotelephony certificates, and exemption certificates shall be issued either by the government of the country in which the ship is registered or by any person or organization duly authorized by that government. In every case that government assumes full responsibility for the certificate.

(b) Notwithstanding any other provision of the present convention, any certificate issued under, and in accordance with, the provisions of the International Convention for the Safety of Life at Sea, 1929, which is current when the present convention comes into force in respect of the administration by which the certificate is issued, shall remain valid until it expires under the terms of article 52 of the convention of 1929.

Regulation 12 reads as follows:

A contracting government may, at the request of the administration, cause a ship to be surveyed, and, if satisfied that the requirements of the present regulations are complied with, issue certificates to the ship in accordance with the present regulations. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the government of the country in which the ship is registered, and it shall have the same force and receive the same recognition as a certificate issued under regulation 11.

Section 3

This section adds two new definitions to the Communications Act of 1934, as amended.

Subsection (ee) would define "existing installation," as used in section 355 to mean—

an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to a date one year after the effective date of this subsection in the case of other ships subject to part II of title III of this Act.

The proposed amendment (ee) is intended to implement item (g) of regulation 2, "Definitions," of chapter IV of the 1948 convention, which reads as follows:

(g) An existing installation is one already installed on board a ship at the time the present Convention comes into force.

Subsection (ff) would define "new installation," as used in sections 355 and 356, to mean—

an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and, in the case of other ships subject to part II of title III of this Act, one which is installed subsequent to a date one year after the effective date of this subsection.

The proposed amendment to the act is intended to implement item (h) of regulation 2 of chapter IV of the Convention, which reads as follows:

(h) A new installation is an installation which replaces an existing installation or one installed on a ship after the date on which the present Convention comes into force.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as passed by the Senate, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934, AS AMENDED

DEFINITIONS

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(a) * * *

* * * * *

(ee) "*Existing installation*", as used in section 355 of this Act, means an installation installed on a ship prior to November 19, 1952, in the case of a United States ship subject to the radio provisions of the Safety Convention, or one installed on a ship prior to a date one year after the effective date of this subsection in the case of other ships subject to part II of title III of this Act.

(ff) "*New installation*", as used in sections 355 and 356 of this Act, means an installation which replaces an existing installation or, in the case of a United States ship subject to the radio provisions of the Safety Convention, one installed on a ship subsequent to November 19, 1952, and, in the case of other ships subject to part II of title III of this Act, one which is installed subsequent to a date one year after the effective date of this subsection.

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TITLE III—PROVISIONS RELATING TO RADIO

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PART II—RADIO EQUIPMENT AND RADIO OPERATORS ON BOARD SHIP

SHIP RADIO INSTALLATIONS AND OPERATIONS

SEC. 351. (a) Except as provided in section 352 hereof, it shall be unlawful—

(1) For any ship of the United States, other than a cargo ship of less than [sixteen] five hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than [sixteen] five hundred gross tons, to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition[,] in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act[;]: *Provided, That the Commission may defer the application of the provisions of this section for a period not beyond January 1, 1954, with respect to cargo ships of less than sixteen hundred gross tons not subject to the radio requirements of the Safety Convention when it is found impracticable to obtain or install equipment necessary for compliance therewith;*

(2) For any [passenger] ship of the United States of [five thousand] sixteen

hundred gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio direction **[finder]** *finding* apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which apparatus is approved by the Commission**[:]**: *Provided, That the Commission may defer the application of the provisions of this section with respect to radio direction finding apparatus to a ship or ships between one thousand six hundred and five thousand gross tons for a period not beyond November 19, 1954, if it is found impracticable to obtain or install such direction finding apparatus.*

(b) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

SEC. 352. (a) The provisions of this part shall not apply to—

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(3) A foreign ship belonging to a country which is a party to **[the]** *any* Safety Convention *in force between the United States and that country* **[and]** which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect**[:]**, *or which ship is not subject to the radio provisions of any such Convention;*

[(b) The Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purposes of this part, exempt from the provisions of this part any ship, or any class of ships, which falls within any of the following descriptions:

[(1) Passenger ships which in the course of their voyage do not go more than twenty nautical miles from the nearest land or more than two hundred nautical miles between two consecutive ports;

[(2) Cargo ships which in the course of their voyage do not go more than one hundred and fifty nautical miles from the nearest land;

[(3) Passenger vessels of less than one hundred gross tons not subject to the radio provision of the Safety Convention;

[(4) Sailing ships.**]**

(b) The Commission may grant to passenger and cargo ships exemptions of a partial or conditional nature, or complete exemption from the provisions of this part, if it considers that the maximum distance of the ship from the nearest land, the length of the voyage, the absence of general navigational hazards, and other conditions affecting safety, are such as to render full application of this part unreasonable or unnecessary.

OPERATORS, WATCHES, AUTO-ALARM—RADIOTELEGRAPH EQUIPPED SHIPS

SEC. 353. (a) Each cargo ship required by this part to be fitted with a **[radio]** radiotelegraph installation and which is not fitted with an auto-alarm, and each passenger ship required by this part to be fitted with a **[radio]** radiotelegraph installation, shall, for safety purposes, carry at least two qualified operators.

(b) A cargo ship, required by this part to be fitted with a **[radio]** radiotelegraph installation, which is fitted with an auto-alarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States, *but during the emergency proclaimed by the President on December 16, 1950, to exist, but not after the termination of such emergency or such earlier date as Congress by concurrent resolution may designate, the aforesaid requirement of six months' previous service may be suspended or modified by regulation or order of the Commission for successive periods of not more than six months' duration.*

(c) Each ship of the United States required by this part to be fitted with a **[radio]** radiotelegraph installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: *Provided, [however,] That in lieu thereof, on a cargo ship fitted with an auto-alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a qualified operator.*

(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States *which is* required by this part to be fitted with a **[radio]** radiotelegraph installation.

(e) On all ships of the United States fitted with an auto-alarm, said apparatus shall be in operation at all times while the ship is being navigated outside of a harbor or port when the operator is not on watch.

OPERATORS, WATCHES—RADIOTELEPHONE-EQUIPPED SHIPS

Sec. 354. (a) Each cargo ship fitted with a radiotelephone installation in accordance with section 356 shall, for safety purposes, carry at least one qualified operator.

(b) Each cargo ship of the United States fitted with a radiotelephone installation in accordance with section 356 shall, while being navigated outside a harbor or port, keep a listening watch in such manner and during such periods as determined by the Commission.

TECHNICAL REQUIREMENTS—RADIOTELEGRAPH-EQUIPPED SHIPS

Sec. [354] 355. The radio installation and the radio direction-finding apparatus required by section 351 of this part shall comply with the following requirements:

(a) The radio installation shall comprise a main and an emergency or reserve radiotelegraph installation: *Provided*, [however, That on a cargo ship, if the main installation complies also with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted.] That, in the case of an existing installation on a cargo ship and a new installation on a cargo ship of five hundred gross tons and upwards but less than one thousand six hundred gross tons, if the main installation complies with all requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted, except that a separate emergency receiver must, in all cases, be provided.

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TECHNICAL REQUIREMENTS—RADIOTELEPHONE-EQUIPPED SHIPS

Sec. 356. Cargo ships of less than sixteen hundred gross tons may, in lieu of the radiotelegraph installation prescribed by section 355, carry a radiotelephone installation meeting the following requirements:

(a) The ship's radiotelephone installation shall be in the upper part of the ship and, unless situated on the bridge, there shall be efficient communication with the bridge.

(b) The radiotelephone installation shall be capable of transmitting and receiving on the frequencies and with types of emissions designated by the Commission pursuant to law for the purpose of distress and safety of navigation.

(c) The transmitter shall be capable of transmitting clearly perceptible signals from ship to ship during daytime, under normal conditions and circumstances, over a minimum normal range of one hundred and fifty nautical miles.

(d) There shall be available at all times a source of energy sufficient to operate the installation over the normal range required by paragraph (c). If batteries are provided they shall have sufficient capacity to operate the transmitter and receiver for at least six hours continuously under normal working conditions. In new installations an emergency source of energy shall be provided in the upper part of the ship unless the main source of energy is so situated.

LIFEBOATS

Sec. [355] 357. [Every motor lifeboat, required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation under such rules and regulations as the Commission may find necessary to promote the safety of life.] Every ship required to be provided with lifeboat radio by treaty to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with efficient radio equipment appropriate to such requirement under such rules and regulations as the Commission may find necessary for safety of life. For purposes of this section, "radio equipment" shall include portable as well as nonportable apparatus.

APPROVAL OF INSTALLATIONS.

Sec. [356] 358. * * *

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TRANSMISSION OF INFORMATION

SEC. [357] 359. * * *

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AUTHORITY OF MASTER

SEC. [358] 360. * * *

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CERTIFICATES

SEC. [359] 361 (a) * * *

(b) Appropriate certificates concerning the radio particulars provided for in said convention shall be issued [to any vessel of the United States which is subject to the radio provisions of the safety convention and is found by the Commission to comply therewith. Such certificates shall be issued by the Commandant of the Coast Guard, or whatever other agency is authorized by law so to do, upon request of the Commission made after proper inspection or determination of the facts. If the holder of such certificate violates the provisions of the safety convention, or of this Act, or the rules, regulations, or conditions prescribed by the Commission, and if the effective administration of the safety convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to request the modification or cancellation of such certificate. Upon receipt of such request the Commandant of the Coast Guard, or whatever other agency is authorized by law to do so, shall modify or cancel the certificate in accord therewith. The Commission is authorized to issue, modify, or cancel such certificates in the event that no other agency is authorized to do so.] upon proper request to any vessel which is subject to the radio provisions of the Safety Convention and is found by the Commission to comply therewith. Safety Radiotelegraphy Certificates and Safety Radiotelephony Certificates, as prescribed by the said Convention, shall be issued by the Commission. Other certificates concerning the radio particulars provided for in the said Convention shall be issued by the Commandant of the Coast Guard or whatever other agency is authorized by law to do so upon request of the Commission made after proper inspection or determination of the facts. If the holder of a certificate violates the radio provisions of the Safety Convention or the provisions of this Act, or the rules, regulations or conditions prescribed by the Commission, and if the effective administration of the Safety Convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to modify or cancel a certificate which it has issued, or to request the modification or cancellation of a certificate which has been issued by another agency upon the Commission's request. Upon receipt of such request for modification or cancellation, the Commandant of the Coast Guard, or whatever agency is authorized by law to do so, shall modify or cancel the certificate in accordance therewith.

INSPECTION

SEC. [360] 362. * * *

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CONTROL OF COMMISSION

SEC. [361] 363. * * *

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FORFEITURES

SEC. [362] 364. * * *

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